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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Kenneth J LuKacher
South Winton Court
3136 Winton Road South Suite 304
Rochester, NY 14623

EXAMINER

MOORTHY, ARAVIND K

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 06/01/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary

Application No.

09/630,422

Applicant(s)

BAYER ET AL.

Examiner

Aravind K Moorthy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-28 are pending in the application.
2. Claims 1-28 have been rejected.

Specification

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract exceeds the 150-word limit.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the

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reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-3, 12-15 and 17-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Choy U.S. Patent No. 6,141,754.

As to claims 1 and 17, Choy discloses providing at least one first computer system. Choy discloses providing a plurality of second computer systems capable of connecting to the first computer system through the network in which each of the second computers has a user interface to enable the user of the second computer to interact with the second computer system [column 6, lines 41-52]. Choy discloses registering at the first computer system one or more of the second computer systems with the first computer system [column 8, lines 1-8]. Choy discloses sending content information from the first computer system to at least one of the registered second computer systems without associated information defining the use of the content information by the second computer systems [column 8, lines 17-30]. Choy discloses displaying of the received content information at the registered second computer system that receives the content information and limiting the user interface of the second computer system to operate responsive to the user of the second computer system to prevent copying of the content information when the received content information is being displayed [column 8, lines 31-49].

As to claims 2 and 18, Choy discloses requesting at the second computer system a key from the first computer system for decrypting the received encrypted content information [column 10 line 63 to column 11 line 2]. Choy discloses sending from the first computer system a key to decrypt the encrypted content information to the second computer system that requested the key. Choy discloses decrypting at the second computer system the encrypted content

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information in accordance with the received key, in which the second computer system when displaying the decrypted content information ignores signals from the user interface capable of enabling access to the decrypted content information [column 12, lines 22-44].

As to claims 3 and 19, Choy discloses selecting one or more of the registered second computer systems to display the content information, and the key sending step only sends the key to the preselected second computer systems that requested the key [column 7, lines 52-67].

As to claim 12, Choy discloses that the first computer system comprises one or more server computers and a database coupled to at least one of the server computers containing at least information defining the registered second computers [column 6, lines 55-63].

As to claim 13, Choy discloses that the second computer systems each have means for interfacing to the network and capable of connecting to the first computer system at one or more network addresses [column 5, lines 31-46].

As to claim 14, Choy discloses that the network represents a public network [column 5, lines 31-46].

As to claim 15, Choy suggests that the content information is part of a survey [column 12, lines 15-27].

5. Claims 20 and 22-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Dedrick U.S. Patent No. 5,710,884.

As to claim 20, Dedrick discloses sending a survey to the computer via the Internet that references a network address to obtain a file for the survey [column 3 line 50 to column 4 line 13]. Dedrick discloses downloading the file from the network address in which the file is encrypted [column 20, lines 4-21]. Dedrick discloses requesting a key to decrypt the encrypted

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file from a network address where the key is available [column 6 line 59 to column 7 line 8]. Dedrick discloses receiving a key at the computer when the computer is associated with a participant selected to take the survey [column 20, lines 30-42]. Dedrick discloses decrypting the file in accordance with the key and playing the decrypted file as part of the survey [column 6 line 59 to column 7 line 8].

As to claim 22, Dedrick discloses the step of registering the computer for receiving the survey prior to carrying out the sending survey step [column 3 line 50 to column 4 line 13].

As to claim 23, Dedrick discloses that receiving a key step further comprises the step of sending the key to the computer when the key has been requested during a certain period of time [column 10, lines 31-44].

As to claim 24, Dedrick suggests that the receiving a key step further comprises the step of sending the key to the computer when computer has not already received the encrypted file a preset number of times [column 10, lines 31-44].

As to claim 25, Dedrick discloses that the receiving a key step further comprises the step of sending the key to the computer when a participant has not taken the survey [column 20, lines 43-58].

6. Claim 26 is rejected under 35 U.S.C. 102(e) as being anticipated by Minor et al U.S. Patent No. 5,740,252.

As to claim 26, Minor et al discloses a web site connected to the network that uniquely registers one or more of the computer systems identifying the computer system to the web site and stores in a database encrypted information files and their associated keys [column 4, lines 54-67]. Minor et al discloses that the web site is capable of sending the encrypted information

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file to registered computer systems. Minor et al discloses sending a key to decrypt an encrypted information file to one of the registered second computer system when the second computer system is authorized to receive the key [column 5, lines 44-60]. Minor et al discloses that each of the computer system being capable of connecting to the web site through the Internet and registered with the web site to send a request to the web site for a certain encrypted information file and to receive the encrypted information file [column 6 line 46 to column 7 line 10]. Minor et al discloses requesting a key from the web site to decrypt the file. Minor et al discloses that in response to receiving the key, decrypts the encrypted information file and plays the file through a window on the display of the computer system [column 5 line 61 to column 6 line 5]. Minor et al discloses each of the computer systems having a display and a user interface in which, when the file is played, signals from the user interface at the second computer system are ignored which enable access to the decrypted file. Minor et al discloses that when another window is selected than the window displaying the decrypted file, disables the playing, of the decrypted file [column 7, lines 45-58].

7. Claims 27 and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Matyas, Jr. U.S. Patent No. 6,102,287.

As to claim 27, Matyas discloses one or more computer servers capable of connecting to the Internet in which the client computer system is registered with the web site [column 4 line 61 to column 5 line 11]. Matyas discloses a database coupled to one or more of the servers that stores encrypted information files representing parts of one or more surveys and their associated keys [column 13, lines 48-60]. Matyas discloses that the web site is capable of sending the encrypted information file to registered client computer systems for carrying out a survey

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received by the client computer systems [column 16, lines 29-45]. Matyas discloses sending a key to decrypt an encrypted information file to one of the registered second computer system when the second computer system is authorized to receive the key to enable the client computer system to play the information file as part of the survey [column 28, lines 49-65].

As to claim 28, Matyas discloses a web site connectable to each of the computer system [column 4 line 61 to column 5 line 11]. Matyas discloses that the web site has a database storing encrypted content information and keys to decrypt the content information [column 13, lines 48-60]. Matyas discloses means for providing to each of the computer system from the web site a first identifier associated with a viewer [column 18, lines 17-35]. Matyas discloses means for registering each of the computer systems with the web site based on the first identifier provided from the web site and a second identifier uniquely identifying the computer system and storing in the database the first identifier in association with the second identifier [column 19 line 61 to column 20 line 9]. Matyas discloses means for inviting participants to take the survey associated with a unique third identifier in which the participants represent one or more of the registered computer systems. Matyas discloses means for providing to one of the computer system a file containing encrypted content information having a unique fourth identifier [column 21 line 58 to column 22 line 19]. Matyas discloses means at each of the computer system for receiving the survey and receiving the encrypted content information from the web site associated with the survey. Matyas discloses means at each of the computer systems for the viewer at the computer system for sending a request to the web site for a key to decrypt the encrypted content information in which the request has at least the first, second, third, and fourth identifiers. Matyas discloses means for the web site for sending a key to decrypt the encrypted content

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information file in accordance with the first, second, third, and fourth identifiers of the request matching corresponding identifiers associated with the participants invited to take the survey and exposure limit information associated with the encrypted content information [column 22, lines 27-48]. Matyas discloses means at each of the computer systems including the viewer for receiving the key from the web site. Matyas discloses decrypting the encrypted content information based on the key. Matyas discloses opening a window on a display of the computer system to view the decrypted content information file [column 19, lines 24-60]. Matyas discloses means at each of the computer systems for ignoring interrupts from user interface devices associated with the computer system that enable a user at the computer system to copy the decrypted content information. Matyas discloses protecting the window when the viewer selects another window on display of the computer system [column 24, lines 4-32].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Choy U.S. Patent No. 6,141,754 as applied to claim 1 above, and further in view of Kim et al U.S. Patent No. 6,584,199 B1.

As to claims 4 and 5, Choy does not teach that the key sending means only sends the key during a certain time period. Choy does not teach that the key sending means only send the key to the second computer system a certain number of times.

Kim et al teaches sending keys during certain time periods. Kim et al teaches sending keys to a second computer system a certain number of times [column 6, lines 4-41].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Choy so that the keys were sent during certain time periods and only a certain number of times.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Choy by the teaching of Kim et al because sending during certain periods makes it less susceptible for a third party to intercept the keys. By sending the keys a certain amount of times, there would be less available over a network for a third party to intercept [column 2 line 63 to column 3 line 12].

9. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Choy U.S. Patent No. 6,141,754 as applied to claim 1 above, and further in view of Schreiber et al U.S. Patent No. 6,584,199 B1.

As to claims 6-8, Choy does not teach that the sending and display enabling means at the second computer systems is provided by viewer software installed at the second computer system. Choy does not teach that the registering means is enabled when the viewer software is installed. Choy does not teach that the viewer software is automatically executed in response to executing a program received by the second computer system via the network.

Schreiber et al teaches that sending and display enabling means at the second computer systems is provided by viewer software installed at the second computer system [column 28, lines 38-52]. Schreiber et al teaches that the registering means is enabled when the viewer software is installed [column 29, lines 7-20]. Schreiber et al teaches that the viewer software is

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automatically executed in response to executing a program received by the second computer system via the network [column 29, lines 45-61].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Choy so that the sending and display of the content would have been provide by view software such Internet Explorer or Netscape Navigator installed at the second computer. The computer would have been registered when one of the viewing software was installed on the computer. The viewing software would have been automatically executed in response to executing a program received by the second computer system via the network.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Choy by the teaching of Schreiber et al because it prevents a user from copying a protected image from within and from without his web browser [column 3, lines 19-30].

10. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Choy U.S. Patent No. 6,141,754 as applied to claim 1 above, and further in view of Adams et al U.S. Patent No. 5,734,380.

As to claims 9-11, Choy teaches that the second computer systems have a display [column 10, lines 49-62].

Choy does not teach that the display enabling means provides for playing the content information is a window on the display. Choy does not teach that the display enabling means disables playing of the content information in the window when the user of the second computer system selects another window on the display. Choy does not teach that the display enabling

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means places a protection image in the window when the playing of the content information in the window is disabled.

Adams et al teaches that the display enabling means provides for playing the content information is a window on the display. Adams et al teaches that the display enabling means disables playing of the content information in the window when the user of the second computer system selects another window on the display. Adams et al teaches that the display enabling means places a protection image in the window when the playing of the content information in the window is disabled [column 7 line 25 to column 8 line 3].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Choy so that the display enabling means provided for playing the content information is a window on the display. The display enabling means would have disabled playing of the content information in the window when the user of the second computer system selected another window on the display. The display enabling means would have placed a protection image in the window when the playing of the content information in the window was disabled.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Choy by the teaching of Adams et al because it ensures that the window is protected from being replaced by another display [column 1, lines 36-57].

11. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Choy U.S. Patent No. 6,141,754 as applied to claim 1 above, and further in view of Hamlin et al U.S. Patent No. 6,477,504 B1.

As to claim 16, Choy discloses that the first computer system comprises one or more server computers capable of communicating with the plurality of second computer systems via the network. Choy discloses a database coupled to at least one of the network computers containing at least information defining the registered second computer systems [column 5, lines 31-59]. Choy discloses that the content information is sent encrypted by the first computer system [column 8, lines 55-67]. Choy discloses the first computer system has means for sending to the second computer systems a key to decrypt the encrypted file. Choy discloses that the second computer system has means for decrypting the encrypted content information in accordance with the key for displaying the decrypted content information [column 10 line 63 to column 11 line 2].

Choy does not teach information identifying which of the registered ones of the second computer systems is associated with participants for the survey. Choy does not teach information determining whether the participants took the survey. Choy does not teach that the second computer system is associated with one of the participants for the survey not having taken the survey.

Hamlin et al teaches information identifying which of the registered ones of the second computer systems is associated with participants for the survey. Hamlin et al teaches information determining whether the participants took the survey [column 10, lines 54-67]. Hamlin et al teaches that the second computer system is associated with one of the participants for the survey not having taken the survey [column 13, lines 18-34].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Choy so that there would have been information

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identifying which of the registered ones of the second computer systems is associated with participants for the survey. There would have been information determining whether the participants took the survey. The second computer system would have been associated with one of the participants for the survey not having taken the survey.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Choy by the teaching of Hamlin et al because it provides a mechanism and process that decision makers and researchers alike can use to both quickly and economically reach out and understand the behaviors, opinions and attitudes of consumers and customers in today's competitive and fast moving market place [column 2, lines 44-48].

12. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick U.S. Patent No. 5,710,884 as applied to claim 20 above, and further in view of Adams et al U.S. Patent No. 5,734,380.

As to claim 21, Dedrick does not teach that the steps of: playing the decrypted file in a window on a display coupled to the computer. Dedrick does not teach protecting the window from being accessed by the user of the computer when another window on the display is selected.

Adams et al teaches playing a file in a window on a display coupled to the computer. Adams et al teaches protecting the window from being accessed by the user of the computer when another window on the display is selected [column 7 line 25 to column 8 line 3].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Dedrick so that the decrypted file was played in a

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window on a display coupled to the computer. The window would have been protected from being accessed by the user of the computer when another window on the display was selected.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Dedrick by the teaching of Adams et al because it ensures that the window is protected from being replaced by another display [column 1, lines 36-57].


Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aravind K Moorthy whose telephone number is 703-305-1373. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aravind K Moorthy
March 8, 2004


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